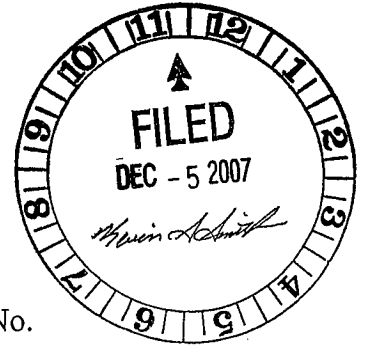


In the  
Indiana Supreme Court



State of INDIANA,	)	Supreme Court Cause No.
Plaintiff,	)	02S00-0710-SJ-462
	)	
v.	)	
	)	
Delmas SEXTON,	)	
Defendant.	)	

ORDER

This matter is pending before the Court on a request for appointment of a special judge filed by Allen Superior Court Judge John Surbeck in State v. Sexton, Cause No. 02D04-0607-FC-161. Sexton, *pro se*, has sent to this Court the following: (1) allegedly pursuant to the rules for original actions, a "Verified Objection" to the Allen Superior Court clerk's notice that Judge Surbeck's recusal rendered moot Sexton's motion to withdraw under Trial Rule 53.1; (2) a "Verified Objection To Factual Findings Of Trial Court And Motion For Stay Of Proceedings In Trial Court And Motion For The Issuance Of A Writ In Aid Of This Court's Jurisdiction" ("Motion For Writ In Aid Of Appellate Jurisdiction"); and (3) a "Motion To Offer Additional Evidence In Support Of Issuance Of A Writ By This Court In Aid Of Its Jurisdiction In This Matter."

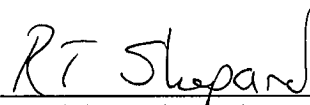
With regard to Sexton's "Verified Objection" to the trial court clerk's finding that Sexton's Trial Rule 53.1 motion was moot, these materials do not comply with the Rules of Procedure for Original Actions, nor are they otherwise properly before this Court. Accordingly, they will be returned to Sexton.

With regard to Sexton's "Motion For Writ In Aid Of Appellate Jurisdiction," and his "Motion To Offer Additional Evidence" in support of the Motion For Writ, these motions appear to challenge several findings listed in Judge Surbeck's order recusing himself and requesting appointment of a special judge, and further appear to request an order directing preparation of transcripts and other materials. Although these motions challenge certain findings, they do not appear to challenge the recusal itself. Moreover, Sexton identifies no basis upon which a party is authorized to participate in the process of appointment of a special judge by the Supreme Court. Finally, the Court notes that Judge Surbeck's recusal order is sufficient to enable this Court's jurisdiction in the appointment of a special judge, and no additional materials are needed.

Being duly advised, the Court now directs the Clerk to RETURN the "Verified Objection" to Sexton unfiled. The Clerk is directed to show Sexton's "Motion For Writ In Aid Of Appellate Jurisdiction" and "Motion To Offer Additional Evidence" as filed on the date of tender, and this Court hereby DENIES those Motions.

The Clerk is directed to send copies of this order to Appellant and to all counsel of record.

Done at Indianapolis, Indiana, this 5<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana